PRIVILEGED AND CONFIDENTIAL

APPENDIX TWO

PROJECT RAINBOW
SCENARIOS

A
(Optimistic Case)

Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Tombstone Advertising only (preserving use of color and effective date 18-24 months after enactment)
- Sports stadia product advertising ban (except for brand-sponsored events)
- Billboard restrictions (i.e., restrict proximity to schools, churches, playgrounds, etc., but no urban density limits)
- Paid product placement ban

B
(Likely Case)

Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Tombstone Advertising only (preserving use of color and effective date 12-18 months after enactment)

OR

Sponsorship ban plus Billboard ban (effective date 12-18 months after enactment)

- Modest counter-advertising program (under $50 million per year)
- Sports stadia product advertising ban (if no complete sponsorship ban and except, then, for brand-sponsored events)
- Billboard restrictions, i.e., limit number in urban areas and restrict proximity to schools, churches, playgrounds, etc.)
- Paid product placement ban

C
(Worst Case)

Preemption

- Recodification and clarification of "core" preemption (warning and advertising claims filed after enactment of 1966 FCLAA)

Advertising

- Complete advertising ban
- Sponsorship ban for sports, entertainment, cultural events
- Paid product placement ban

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Source: https://www.industrydocuments.ucsf.edu/docs/rtwc0003

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A (Optimistic Case)	B (Likely Case)	C (Worst Case)
Youth	**Youth**	**Youth**
• Vending machine sales ban with exceptions for bars, workplaces • Sampling ban • Promotional items ban • 18-year-old uniform minimum age laws • Limited licensing scheme for retailers (i.e., not restricting number of retailers)	• Vending machine sales ban • Sampling ban • Promotional items ban • 19-year-old uniform minimum age laws • Limited licensing scheme for retailers (i.e., not restricting number of retailers)	• Vending machine sales ban • Sampling ban • Promotional items ban • 21-year-old uniform minimum age laws • Open-ended licensing scheme for retailers (allowing states to limit number of retail outlets)
Warnings	**Warnings**	**Warnings**
• New warning(s) (specifically to include addiction) • More prominent warnings (e.g., size, color, format) on packages, ads and billboards • Application of warning scheme to exports with exception for products already bearing warning required by country to which exported	• New warnings (specifically to include both addiction and ETS) • More prominent warnings, e.g., size, color, format) on packages, ads and billboards • Application of warning scheme to exports regardless of requirements by country to which exported	• New warnings (specifically to include both addiction and ETS) • More prominent warnings (e.g., size, color, format) on packages including front and/or back warnings • Application of warning scheme to exports regardless of requirements by country to which exported
Ingredients	**Ingredients**	**Ingredients**
• Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection • Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS • HHS study of ingredient safety with report to Congress by a date certain	• Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection • Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS • HHS study of ingredient safety with report to Congress by a date certain	• Ingredient regulatory scheme (including authority to ban individua or combinations of ingredients) • Enhanced disclosure of ingredients to HHS and to public with adequate trade secret (brand formula) protection • Brand-by-brand disclosure of tar, nicotine and carbon monoxide levels to public and HHS • HHS study of ingredient safety with report to Congress by a date certain

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A
(Optimistic Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (except counter-advertising)
- Grant money to establish smoke-free school facilities

B
(Likely Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (perhaps including modest, i.e., under $50 million, counter-advertising)
- Grant money to establish smoke-free school facilities

C
(Worst Case)

Education

- Establishment of Center for Tobacco Products to coordinate HHS tobacco-related activities
- Grant money to states to assist in their tobacco-related activities (perhaps including modest, i.e., under $50 million, counter-advertisinc
- Grant money to establish smoke-free school facilities

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